

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN GIBBONS,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	NO. 16-1233
MONTGOMERY COUNTY, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 18th day of July, 2016, upon consideration of Defendants Mary Rinehart, R.N., Christine E. Irvine, R.N., Seth Crossan, R.N., Debra McFadden, R.N. and Octavier Brown, LPN's (collectively, the "PrimeCare Employee Defendants") Motion to Dismiss the Complaint (Doc. No 10) and Defendants Montgomery County, Montgomery County Correctional Facility, Warden Julius M. Algarin, C.O. Rummel, C.O. Schicknick, C.O. Jones, C.O. Davenport, C.O Baurer, C.O. Davis and C.O. Appel's Motion to Partially Dismiss the Complaint (Doc. No. 12); and the briefing in support thereof and in opposition thereto, it is hereby **ORDERED** that the Motions are **GRANTED IN PART AND DENIED IN PART** as follows:

1. Count I of the Complaint is **DISMISSED WITHOUT PREJUDICE** as to each of the PrimeCare Employee Defendants, Warden Julius M. Algarin, C. O. Appel and C.O. Baurer.
2. Count III of the Complaint is **DISMISSED WITHOUT PREJUDICE** as to Defendants Christine E. Irvine, R.N. and Seth Crossan, R.N.

3. Plaintiff John Gibbons is granted leave to file an Amended Complaint within 15 days of the date of this order.

/s/ Marilyn Heffley

MARILYN HEFFLEY

UNITED STATES MAGISTRATE JUDGE